

STATEMENT OF UNDERSTANDING INDEPENDENT ADOPTIONS PROGRAM

You will be consenting to the adoption of your child by signing the consent form. Consenting means you intend to give your child permanently to the adoptive parents to raise as their own. When the adoption petition is granted, you will no longer have any rights as a parent to the child.

Before you sign the consent form, read each of the attached statements in consultation with the agency or Department of Social Services representative.

Be sure to ask questions about any statement you do not understand. Consenting to the adoption of your child is an extremely important decision. You should know all the facts before making your decision.

Instructions To Complete The Statement Of Understanding:

BEFORE YOU SIGN THIS STATEMENT OF UNDERSTANDING AND THE RELINQUISHMENT DOCUMENT, READ BOTH VERY CAREFULLY WITH YOUR SOCIAL WORKER. BE SURE TO ASK QUESTIONS ABOUT ANYTHING YOU DO NOT UNDERSTAND.

1. *Complete this Statement of Understanding only after you have carefully thought about giving up your child and you are sure that you want your child adopted by the petitioners and raised by them.*
2. *Read each of the statements in this document very carefully. If you do not understand a statement, ask the social worker to explain it to you until you do understand.*
3. *If you understand and agree with a statement, put your initials in the box next to the number of that statement.*
4. *If you do not agree, or if you do not understand a statement after the social worker's explanation, do not initial the box. Ask for more help and time in making your decision.*
5. *If you have initialed all the boxes, sign your name at the end.*
6. *You will receive a copy of this Statement of Understanding when it has been completed.*

STATEMENT OF UNDERSTANDING
Parent Who Did Not Give Physical Custody of the
INDIAN Child to the Adoptive Parents

- ☐ 1. I have carefully considered the reasons for consenting to the adoption of _____
by _____
Name of Child
Name(s) of the Petitioner(s).
- ☐ 2. I understand that because my child has been determined to be an Indian child the requirements of the Indian Child Welfare Act will apply to the taking of my consent and the adoption of the child.
- ☐ 3. I understand that according to the Indian Child Welfare Act the best place for my child to live if he or she cannot be with me would be with a member of his or her extended family. If that is not possible, the next choice would be other members of my child's tribe. If placement with the tribe is not possible, the third choice would be with another Indian family.
- If I do not wish to follow any of these placement choices, I must tell the court. The court must make the final decision as to whether this placement order will be changed.
- ☐ 4. I understand that I must sign the consent form before a superior court judge (or other suitable court if I sign it outside the State of California).
- ☐ 5. I understand that I have the right to look for a lawyer to help me in the Independent Adoption process and that the petitioners may be required to pay the cost, up to \$500 unless the petitioners and I agree to a higher amount, of such legal counsel.
- ☐ 6. I understand that I may talk about my plan to give up my child with other professional people, my family, and friends.
- ☐ 7. I understand that if I am not sure I want to give up my child, there are other places the agency can refer me to that could help me with family, health, money, and other problems.
- ☐ 8. I understand that if I do not consent to the adoption, I may sign a refusal to consent form or write a letter to the adoption agency and the adoption agency will report to the court that I do not want my child to be adopted by these petitioners.
- ☐ 9. I understand that if I do not sign the consent to adoption I may request the right to physical custody of the child in court. I probably shall need an attorney to help me do this.
- ☐ 10. I understand that because I am the parent of an Indian child if I should change my mind about the adoption after signing the consent form, I may withdraw the consent before the adoption is granted by the court and my child will be returned to me.
- ☐ 11. I understand that I shall remain legally responsible for my child until the adoption is granted by the court. If the child is not adopted, the agency will notify me and request that I make other plans for the child's care. I understand that I must keep the agency informed of my address.
- ☐ 12. I have received enough information about the petitioners and about my child's adjustment in the petitioners' family, and I wish to proceed with signing the consent to adoption.
- ☐ 13. I understand that I shall no longer be my child's legal parent once the adoption is granted in court. This means that:
- A. I shall no longer be responsible for the care of my child;
- B. The petitioners will be the parents and will be legally responsible for caring for my child; and

- ☐ 14. I understand that because I am the parent of an Indian child I will be told immediately if my child's other parent asks to take back his or her consent and of any court proceedings because he/she is asking to take back the consent.
- A. I know that I must keep the adoption agency informed of my address if I want to receive this notice.
- ☐ 15. I understand that because I am the parent of an Indian child if any agency or person goes to court to take away the rights as a parent of my child's other parent, my child's tribe will be told and may step into the proceedings.
- ☐ 16. I understand that because I am the parent of an Indian child if my child's tribe has a tribal court that is able to hear child proceedings, I, my child's other parent, or the tribe may ask the court to have all court proceedings about my child moved to the tribal court. This will not take place if I do not want it to, the other parent does not want it to, the tribe does not want it to, or the court finds good reason not to move the proceedings.
- ☐ 17. I understand that the adoption agency will take the necessary steps to obtain a Certificate of Degree of Indian Blood for my child and may enroll my child in his or her tribe or register him/her for any Bureau of Indian Affairs' benefits that he/she may be able to get.
- ☐ 18. I understand that if I ask the agency for information at any future time, the agency must give me all known information about the status of my child's adoption including the approximate date the adoption was completed and if the adoption was not completed or was vacated, for any reason, whether adoptive placement of my child is again being considered.
- ☐ 19. I understand that because I am the parent of an Indian child the adoption agency has to tell me if the adoption is set aside or the adoptive parents agree to the ending of their rights as parents to my child. I know that the notice will be given to me in writing.
- A. I know that I must keep the adoption agency informed of my address if I want to receive this notice.
- ☐ 20. I understand that after my child's adoption has been granted in court all inheritance rights from any blood relatives will end unless they have made arrangements in their will or in a trust which specifically includes my child. My child will legally inherit from his/her adoptive parents. However, my child may still be able to get benefits from his or her tribe or Bureau of Indian Affairs' services because he/she is an Indian.
- ☐ 21. I understand that after my child has been legally adopted I cannot reclaim my child.
- ☐ 22. I understand that the adoption agency may release identifying information from the adoption case record only when:
- A. It has been requested by certain agencies as named in law because the information is needed to help my child;
- B. My child, when he or she is an adult, and I have signed forms agreeing to the release of identifying information so that contact can be arranged;
- C. My child has reached 21 years of age, asks for my identity and I have agreed in writing to the release of my identity and most current address in the adoption agency's record;
- D. My child has reached 21 years of age and has indicated in writing that I may have his or her adopted name and most current address as indicated in the adoption agency's records and I have asked for this information; or
- E. My child is under 21 years of age and the adoption agency has found that the release of my identity and most current address as indicated in the agency's file is justified according to law.
23. I understand that because my child is an Indian the adoption agency may also release information about the adoption only when:
- A. My child reaches 18 years of age and asks the court that agreed to the adoption for information about my tribal affiliation and any other information needed to protect any tribal rights he or she may have.

B. The Secretary of the Interior has asked for the information.

1. I know if I want to stay unknown I must file a paper with the court asking that information about me not be released.
2. I know that even though the Indian Child Welfare Act requires the Secretary of the Interior to make sure information on the adoption of my child stays secret, tribes do not always keep information secret if they find out about the adoption.

C. My child is over 18 years of age, his or her adoptive parents, or his tribe asks the Secretary of the Interior to release information to enroll my child in the tribe or to decide if my child has any rights or benefits from the tribe.

1. I know if I have filed a paper with the court asking information about me not be given out, the Secretary of the Interior will certify that my child may be enrolled in the tribe instead of giving out the information.

D. My child when he or she reaches 18 years of age or the Bureau of Indian Affairs asks for a copy of all papers about the degree of Indian blood of my child and tribal enrollment.

- ☐ 24. I shall be able, at any time, to add information about myself to the agency's adoption record.
- ☐ 25. I understand that the court may, after considering the request, release identifying information from the court adoption file.
- ☐ 26. I understand that if I think I was forced to sign or deliberately not told the truth about giving up my child, I have five years after the date the adoption was completed to ask the court to set aside the adoption of my child.
- ☐ 27. I understand that as the parent of an Indian child I may ask the court to stop any action ending my rights as a parent if the action did not follow the Indian Child Welfare Act.
- ☐ 28. I have carefully thought about the reasons for keeping or giving up my child. I have decided that giving up my child to the petitioners for adoption is in the best interest of my child. I have read and understand this Statement of Understanding and the consent document. I do not need any more help or time to make my decision. I have decided to consent to the adoption of my child by the petitioners and I am signing this freely and willingly.

I, _____, mother/father of _____,
Name of Parents Name of Child

understand and agree to the statements I have initialed above.

Date Signature of Parent

I, _____, an authorized official of

Name and Title

_____, having witnessed the signing of this Statement

Name of Agency

of Understanding by _____ on _____

Name of Consenting Parent

Date

Signature of Authorized Official

The terms and consequences of the voluntary signing of the consent, including the right to withdraw the consent prior to the signing of the decree of adoption, were fully explained in detail to and understood by the parent of this Indian child. The explanation was given by the agency representative whose signature is affixed above, in my presence, and in a language understood by the parent.

Date

Signature of Judge

Superior Court